

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 1/26/2021
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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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MODESTO MONDRAGON,

Plaintiff,

-against-

Case No.: 20-CV-682

MIKE MINI MART AND DELI CORP and
NABIL K. HIMED.

DEFAULT JUDGMENT

Defendants.

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This action was commenced on January 24th, 2020 (Doc. No. 1). Defendants MIKE MINI MART AND DELI CORP. and NABIL K. HIMED were served with process on February 1st, 2020.

To date, Defendants MIKE MINI MART AND DELI CORP. and NABIL K. HIMED have not answered the Complaint or otherwise moved with respect to said Complaint, and the Clerk of this Court has certified the default of Defendants MIKE MINI MART AND DELI CORP. and NABIL K. HIMED on November 4th, 2020 (Docs. No. 29 and 30). The time for answering the Complaint having expired, it is

NOW, on motion of Plaintiff, by his attorney Colin Mulholland, Esq., it is hereby ORDERED, ADJUDGED AND DECREED:

That the Plaintiff MODESTO MONDRAGON has judgment against the Defendant MIKE MINI MART AND DELI CORP., in the total amount of \$51,778.90, which includes the following: (A) compensatory damages for unpaid minimum wages and overtime compensation in the amount of \$15,356.88, (B) liquidated damages for unpaid minimum wages and overtime compensation under the FLSA/NYLL in the amount of \$15,356.88, (C) unpaid spread of hours pay in the amount of \$1,984.50 (D) liquidated damages

for unpaid spread of hours pay in the amount of \$1,984.50 (E) statutory damages for violation of New York Labor Law § 195 in the amount of \$10,000.00, and (G) pre-judgment interest on unpaid minimum wages and overtime calculated at the rate of 9% per annum until to the date of judgment, and totaling \$2,465.00 as of January 26th, 2021; (H) pre-judgment interest on spread of hours damages to be calculated at the rate of 9% per annum to the date of judgment and totaling \$318.55 as of January 26th, 2021; and (I) attorney's fees in the amount of \$3,862.50, and costs in the amount of \$450.00,

That the Plaintiff is awarded post judgment interest, as calculated under 28 U.S.C. § 1961.

That if any amounts remain unpaid upon the expiration of ninety days following issuance of judgment, or ninety days after expiration of the time to appeal and no appeal is then pending, whichever is later, the total amount of judgment shall automatically increase by fifteen percent, as required by NYLL § 198(4).

Dated: New York, New York
January 26, 2021



ANALISA TORRES
United States District Judge